

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**JUL 13 2004**

UNITED STATES OF AMERICA,

Plaintiff,

CLERK

vs.

No. CIV 93-1244 JP

SOCORRO COUNTY, NEW MEXICO;  
SOCORRO COUNTY BOARD OF  
COMMISSIONERS; DENNIS HARRIS;  
Chairperson of the Socorro County  
Board of Commissioners; DANIEL MONETTE,  
MARCOS GONZALES, LAUREL ARMIJO,  
and ROSIE TRIPP, Members of the Socorro  
County Board of Commissioners; and  
AUDREY JARAMILLO, Socorro County  
Clerk,

Defendants.

**ORDER**

On March 30, 2004, the Court entered its Order Extending and Modifying Consent Agreement (Doc. No. 55) extending to July 15, 2004 the Consent Agreement, as modified, and modifying the Native American Election Information Program as provided in the parties' Joint Stipulation. The Court's Order entered March 30, 2004 also required the parties to report in writing by June 30, 2004 the results and effectiveness of the Consent Agreement as modified as it related to the June, 2004 primary election. On June 30, 2004, Plaintiff filed Post-Election Report to the Court and Justification for Further Extension of Federal Examiner Designation (Doc. No. 58) and Defendant County of Socorro filed Report Setting Forth the Results and Effectiveness of the Consent Agreement as Modified as it Related to the June, 2004 Primary Election (Doc. No. 59).

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Chief Judge Martha Vázquez was unavailable and asked that the other two judges assigned to the case, the Hon. Paul J. Kelly and the Hon. James A. Parker, rule on the Plaintiff's request for a further extension of federal examiner designation. At a hearing before Judge Kelly and Judge Parker on July 12, 2004, Plaintiff was represented by way of telephone conference by Richard Dellheim; Defendant County of Socorro was represented by Adren R. Nance, who appeared in person.

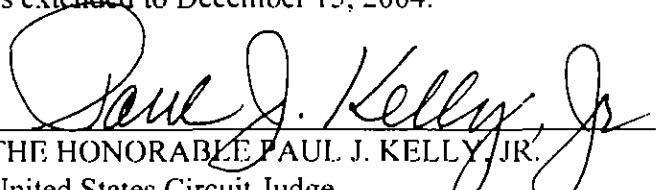
Mr. Nance stated that the County of Socorro essentially took no position on the Plaintiff's request for further extension of federal examiner designation, i.e., the County neither opposed nor supported the Plaintiff's request. Mr. Dellheim emphasized that the Plaintiff's request for further extension was for the sole purpose of allowing federal examiners, appointed in accordance with 42 U.S.C. § 1973a(a) [Sec. 3(a) of the Voting Rights Act], to observe the general election scheduled on November 2, 2004. Plaintiff requested that the extension be until January 31, 2005.

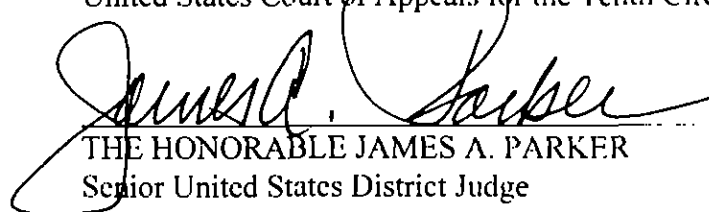
Taking into account the position of the Defendant County of Socorro and considering all relevant information, the Court finds that the Plaintiff's request for a further extension of federal examiner designation should be granted, but that the extension should be to December 15, 2004, instead of to January 31, 2005.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's request for further extension of federal examiner designation for the sole purpose of allowing federal examiners to observe the general election that will take place on November 2, 2004 is granted; and

2. The provision of the modified Consent Agreement designating the County of Socorro for federal examiners is extended to December 15, 2004.

  
THE HONORABLE PAUL J. KELLY, JR.  
United States Circuit Judge  
United States Court of Appeals for the Tenth Circuit

  
THE HONORABLE JAMES A. PARKER  
Senior United States District Judge  
United States District Court for the District of  
New Mexico